

Rules And Regulations



**Civil Service Commission
City of Hamilton, Ohio**

Revised: March 2018

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Rule 1 – Definitions

Whenever used in these Rules and Regulations the terms listed below shall be construed as follows:

1. “Abolishment” means to permanently delete or remove a position.
2. “Applicant” means a person requesting consideration for employment in a classification in the classified service of the City and who has filed an application with the Department of Civil Service and Personnel.
3. “Appointing Authority” means the officer, commission, board or body having the power of appointment to, or removal from, positions in any office, department, commission, or board.
4. “Certification” means the act of providing names from an eligibility list to the Appointing Authority for purposes of appointment.
5. “Classified Employee” means any person holding a position within the classified service.
6. “Classified Service” means those positions within the administrative service of the City excluded by the City Charter from the unclassified service and subject to the rules of the Civil Service Commission for operation and enforcement of the merit system.
7. “Commission” means the Civil Service Commission of the City of Hamilton, Ohio.
8. “Competitive Class” means those classified positions for which a competitive examination must be conducted.
9. “Competitive Examination” means an examination given for the purpose of determining the relative rank of those qualifying and establishing an eligible list arranged in the order of placement as a result of an examination procedure.
10. “Day” or “Days” unless otherwise specified as “work days”, means a time duration specified as a number of days to be computed as calendar days.
11. “Demotion” means the movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.
12. “Director” means the Director of Civil Service and Personnel of the City of Hamilton, Ohio.
13. “Dismissal” means the removal from office as a result of disciplinary action or for any reason during the probationary period except as used in Rule 13, Section 4.
14. “Eligible” means a person who has satisfactorily met all minimum qualifications for employment in the job class for which the person has made application and whose name appears on an eligibility list.
15. “Eligibility List” means a list of names found qualified either through competitive or non-competitive examination for the purpose of filling vacancies in the classified service.
16. “Employee” means any person holding a position subject to an employment action by an Appointing Authority.
17. “Employment Action” means suspension, demotion, dismissal, or fine.
18. “Examination” means any exercise or procedure which serves to provide an evaluation of an individual’s qualifications or fitness for a particular position.
19. “Furlough Unit” means a classification group, isolated classification, department, division, work unit or any subdivision thereof as determined by the Appointing Authority.
20. “Good Standing” means provided two (2) weeks’ notice and not under investigation or pending charges which could result in an employment action.
21. “Lack of Funds” means an Appointing Authority has a current or projected deficiency of funding required to maintain current or sustain projected levels of staffing and operations. This does not require any transfer of money between funds in order to offset a deficiency or projected deficiency of funding for programs funded by the federal government, special revenue accounts, or proprietary accounts. Whenever a program receives funding through a grant or similar mechanism, a lack of funds shall be presumed for the positions assigned to

and the employees who work under the grant or similar mechanism if, for any reason, the funding is reduced or withdrawn.

22. "Lack of Work" means an Appointing Authority has a current or projected decrease in the workload or work requirements which require or will require a reduction in current or projected staffing levels. The determination of a lack of work shall indicate the current or projected decrease in workload and whether the current or projected staffing levels of the Appointing Authority will be excessive.
23. "Layoff" means the removal of an employee by the Appointing Authority as a result of a layoff order issued to reduce the number of employees within a given class for reasons of lack of work or lack of funds or for other causes.
24. "Merit and Fitness" means to earn by performance by being qualified.
25. "Non-Competitive Class" means those classified positions for which no competitive examination will be conducted.
26. "Promotion" means a change of employment of a regular employee made in accordance with these rules from a lower class to a higher class involving an increase in duties or responsibilities, a change in classification title and the application of a higher salary or rate of pay.
27. "Reason of Economy" means based on the Appointing Authority's estimated amount of savings with respect to salary, benefits, and other matters associated with the abolishment of the position.
28. "Reason of Efficiency" means based on the Appointing Authority's justification of efficient operations with respect to processes, procedures, overlapping duties and other matters associated with efficient operations.
29. "Reclassification" means the act of the Director changing the classification of an existing position to accommodate different or additional duties or responsibilities or to correct original errors in classification assignment.
30. "Reinstatement" means the act of returning a person to the classified service following a period of separation or leave of absence which is not in excess of one (1) year from date of separation.
31. "Temporary Furlough" means: 1) The closure of an entire furlough unit for one (1) or more work days over a defined period; 2) A staggered furlough of each employee in a furlough unit for one (1) or more work days over a defined period. A staggered furlough shall be considered a single furlough action even though the furlough of individual employees takes place on different days during the defined period.
32. "Unclassified Service" means those positions within the administrative service of the City, as determined by the City Charter, that are exempt from the Civil Service Rules.
33. "Weights" means the relative importance of the subjects or parts of an examination as expressed in percentages, proportions or ratios.

Those provisions of rules using the term "shall" are to be construed to mean that such acts are mandatory. Where the word "may" is used, such is to indicate a choice to do or not do an act.

Rule 2 – Classification

Section 1. Classified Service

All offices and positions in the service of the City of Hamilton, except those specifically exempted by the City Charter, shall be in the classified service and subject to the rules of the Commission.

Section 2. Definition of Classification.

A classification is a position or a group of positions defined by a description of duties and typical tasks to which has been assigned an appropriate title.

Section 3. Classification Approval

Classifications and job descriptions shall be approved by the Director or designee. The title of the classification shall be used for all official records.

Section 4. Classification Series

For purposes of promotion, demotion, and layoff, classifications may be placed in a classification series. The Director or designee shall determine the appropriate classification series.

Section 5. Amend, Abolish, or Merge Classifications

An Appointing Authority in consultation with the Director or designee may amend the classification, and abolish, merge or divide existing classifications after approval by the Director or designee.

Section 6. Reclassification, incumbent receives new title

Where a classification has been renamed by the Director or designee due to a change in duties or responsibilities, the incumbent may be appointed to the new classification, without examination, upon request of the Appointing Authority and approval of the Director.

Section 7. Classification Sections

All classifications shall have the following sections:

- A. Description of Duties
- B. Essential Job Functions
- C. Desired Knowledge/Skills/Abilities
- D. Minimum Qualifications
- E. Essential Physical/Mental Abilities
- F. Any additional sections as deemed necessary by the Director or designee.

Rule 3 – Applications

Section 1. Applications

The Director or designee shall create applications and shall determine the method of applying for positions within the classified service.

Section 2. Supporting Documentation

The Director or designee may require any applicant to submit adequate proof to verify any statement made on the application.

Section 3. Application Submission Deadline

Any applicant wishing to submit an application for employment must submit his or her application no later than the closing date.

Section 4.Rejection of Applicants

The Director or designee may reject any application for cause, among which the following shall be sufficient:

- A. That the applicant lacks any of the minimum qualifications set forth in the official classification description.
- B. That the applicant does not meet the applicable age requirements.
- C. That the applicant does not meet the physical requirements of the position.
- D. That the applicant has intentionally made a false statement in the application.
- E. That the applicant was previously employed in the classified service and was removed for cause or resigned while not in good standing.
- F. The applicant fails to comply with the requirements set forth in the job posting or violates written or verbal instructions given by the examination proctor(s).

Any applicant who is rejected shall receive written notification of rejection.

Section 5.Voluntary Withdraw

Applicants shall be considered voluntarily withdrawn from the application process under the following conditions:

- A. The applicant, after notification, did not promptly present himself at the time and place designated for the examination.
- B. The applicant, after notification, fails to timely respond to communication from the Civil Service and Personnel Department.
- C. The applicant does not provide required supporting documentation in a timely manner.

Rule 4 - Examinations

Section 1.Public Notice of Competitive Examinations (Competitive Job Postings)

Public notice of the time and place of every competitive examination must be provided at least ten (10) days in advance in the manner provided for the publication of ordinances and by posting notices in a conspicuous place in City Hall.

Section 2.Scope of Examinations; Fitness Tests

All fitness tests shall be practical in character, shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the class of positions to which the appointment is sought, and shall, when appropriate, include tests of physical qualifications, health and manual skill.

Section 3.Competitive Examinations (Competitive Recruitment)

- A. Competitive examinations may consist of: written, oral, performance or physical or fitness tests; medical or psychological examinations; demonstrations of manual skill; evaluation of training and experience; evaluation by any other professionally accepted method; or any combination of the above.

- B. Written exam scores of seventy percent (70%) or greater – unless the scale is unique and then the passing score will be determined by the Director– will be considered passing.
- C. The Director shall determine the appropriate value and weight for each segment or phase of an examination, the means of evaluating examination results and determining the passing level.
- D. Examinations may be scored according to point values or evaluated on a pass/fail basis.
- E. Minimum passing points may be established for the entire examination process or for some or all of the segments or phases of the examination process. The Director may, but is not required to, eliminate a candidate who fails to maintain a minimum qualifying score in one part of the examination from participation in subsequent phases of the testing process.
- F. The Director may adjust the minimum passing or qualifying score when an assessment of the examination results indicates such action is appropriate and in the best interest of the City of Hamilton.

Section 4. Non-competitive examinations (Non-Competitive Recruitment)

Non-competitive examinations shall be regarded as exceptional and may be held only for positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational nature. Either the City Manager or the Civil Service Commission may designate a position for testing by non-competitive examination. Non-competitive examinations shall be open to all qualified applicants and be of such nature as to determine whether or not the applicant possesses the minimum qualifications specified in the class description. Applicants who meet established minimum qualifications shall have their name placed on the eligibility list.

Section 5. Examination Credits

All credits in this section will be applied to only those scores that meet the minimum passing grade without these credits applied. Maximum number of credits allowed equals twenty (20) points. Veteran Credit amount and eligibility for this credit is determined by Ohio Revised Code 124.23

- A. Police Credits
 - i. City of Hamilton Residency, Spanish proficiency credit, baccalaureate credit, Ohio peace officer training council credit. Each credit is ten percent (10%) of the passing written exam raw score.
- B. Fire Credits
 - i. City of Hamilton Residency and Spanish Proficiency (five (5) points each).
- C. Non-Public Safety
 - i. City of Hamilton Residency and Spanish Proficiency (five (5) points each).

Section 6. Unauthorized Aids in Competitive Exam

When an applicant in any competitive examination is found to be using, without permission, any extraneous means of information, to assist him or her in answering the questions the applicant will receive a score of zero (0) on the examination.

Section 7. Applicant Appeal Rights

Applicants who have not yet been placed on an eligibility list but fail to meet any additional qualifying tests may appeal to the Civil Service Commission (SEE RULE 13 – APPEALS TO THE COMMISSION).

Section 8. Disqualified from Re-Examination

Any employee who is dismissed for misconduct or delinquency or who resigns while not in good standing shall be disqualified from taking any examination for at least two (2) years thereafter, unless, in the judgment of the Commission, the cause of his or her dismissal or resignation under charges will not affect the possibility of his usefulness in some other types of employment.

Section 9. Examination Monitors

No persons other than authorized members of the Civil Service and Personnel Department staff or other persons approved by the Director shall act as monitors or spectators while an examination is being conducted.

Rule 5 – Eligibility Lists

Section 1. Generation of Eligibility List

For every recruitment, including promotional, the Director or designee shall prepare an eligibility list containing the names of candidates who may be considered for the specified position. An eligibility list must be signed and dated by the Director in order to become active. The term of each list shall be not less than six (6) months nor more than one (1) year. At the discretion of the Director, the term of an eligibility list that is less than one (1) year may be extended, but in no case may the total term be more than one (1) year. An extension may be made at any time prior to the generation of a new eligibility list.

For a competitive recruitment, candidates names shall be placed on the eligibility list in rank order, by final rating; the candidate receiving the highest rating (inclusive of applicable credits) at the top of the list and subsequent candidates with passing ratings listed in descending order.

For a non-competitive recruitment, qualified candidate names shall be placed on the eligibility list in alphabetical order based on last name.

For a promotional competitive recruitment, eligible lists from which promotions are to be made shall be created as provided by the Civil Service Rules, and the appointment of eligibles therefrom shall be made from a certification which contains only the names and addresses of the three highest ranking persons on the eligible list.

Section 2. Certification of Candidates

For an entry-level position to be filled from an eligibility list which is established through the administration of a Competitive Examination, the Director shall first identify, without rounding, the top ten (10) names on the eligibility list or the top twenty-five percent (25%) of the eligibility list, whichever is greater and then certify to the Appointing Authority the names and addresses of those persons. In the event multiple entry-level positions are to be filled, the next top five (5) names or five percent (5%), whichever is greater, of the eligibility list shall be added to each subsequent and concurrent selection.

- For a non-competitive recruitment, the entire eligibility list will be certified to the Appointing Authority.
- For Public Safety Promotional eligibility lists, Ohio Civil Service Law will be followed.
- For Non-Public Safety Promotional competitive eligibility lists, the three (3) highest persons will be certified to the Appointing Authority.

- For Non-Public Safety Promotional non-competitive eligibility lists, the entire eligibility list will be certified to the Appointing Authority unless the collective bargaining agreement dictates otherwise.

Section 3.Tie-Breaker

Whenever two (2) or more persons competing for the same position earn the same ranking score (which is inclusive of any applicable credits), their names shall be arranged on the eligibility list in the order in which their applications were submitted.

Section 4.Removal from Eligibility List

The name of any person appearing on an eligibility list may be removed by the Director under the following conditions:

- A. The eligible person requests in writing that his or her name be removed.
- B. The eligible person cannot be located by postal authorities or other means of ordinary communication within a reasonable time as determined by the Director.
- C. The name of an eligible person has been certified three (3) times and the candidate has declined to be interviewed or has not been selected for appointment.
- D. For any cause, either specified or not specified in these rules, for which the Director determines that a candidate does not possess qualifications or other characteristics which the Director determines important for the position being filled. This includes, but is not limited to, honesty, character, ethical behavior and reputation.
- E. Eligible fails to pass a qualifying test prior to appointment.
- F. Eligible fails to report or arrange for an interview with the appropriate Appointing Authority within a reasonable time as determined by the Director.
- G. Eligible declines to accept an appointment.
- H. Eligible is deceased.

The administrative removal of an eligible by the Director under item D of this section may be appealed to the Commission (SEE RULE 13 – APPEALS TO THE COMMISSION).

Section 5.Abolishment of Eligibility List

An eligibility list may be abolished if:

- A. At the discretion of the Director fewer than the number of names which can be certified for positions to be filled remain on an eligibility list.
- B. All the names on an eligibility list have been certified, removed, or employed.
- C. At the discretion of the Director he or she determines that such an action is in the best interest of the City.
- D. At the discretion of the Director on account of errors, fraud, or obviously inappropriate standards prescribed in connection with any examination.

Section 6.Corrections to the Eligibility List

The Director may make changes to an eligibility list when such changes are required and in the best interest of the City. Normal conditions which would mandate a change to an existing active eligibility list are:

- A. A clerical error or miscalculation during the scoring process, which results in a candidate appearing on the list who is ineligible, or which results in an inappropriate ranking of candidates.
- B. The omission of a candidate who was eligible to appear on the list.

When the error has been discovered, the eligibility list will be corrected to reflect the accurate information. Such a correction may be unilaterally enacted by the Director. If such a correction occurs, there shall be no need to re-establish or recreate a new eligibility list, and the active date shall not change.

Any appointment made prior to the discovery and subsequent correction of any error on an eligibility list shall not be invalidated. Any certification in process shall be continued to its conclusion, unless otherwise determined by the Director.

Should significant errors or inaccuracies exist in an active eligibility list, the Director may, at his or her discretion, determine that such list be vacated per section 5 above.

Section 7. Recall List

A list shall be maintained from Layoffs. See Rule 9, Section 6 for further details.

Rule 6 – Appointments

Section 1. Appointments

When the Director has certified names to the Appointing Authority consistent with the provisions of Rule 5, Section 2 – Certification of Candidates, the Appointing Authority shall select one (1) of the names provided. In the event that fewer than ten (10) names are on the eligible list, the Appointing Authority may select any of the listed candidates but is not so obligated.

Section 2. Additional Certifications

The Appointing Authority shall notify the Director or designee in writing of all appointments. The names of those certified and not appointed shall remain on the eligibility list. In the event that a person appointed shall decline the appointment, the Appointing Authority shall notify the Director in writing. Upon receiving the notification, additional names will be certified to the Appointing Authority.

Section 3. Temporary Acting Appointments

When a new position has been created or a vacancy exists in a position already created, a temporary acting appointment will be approved if the Appointing Authority indicates to the Director that immediate appointment is necessary to prevent the stoppage of public business, or to meet an extraordinary circumstance. Otherwise, the new position or current vacancy cannot be filled until an examination is held and an eligibility list is created or a promotion without exam is approved according to Rule 7, Section 3.

For competitive classifications, the temporary acting appointment cannot continue for more than sixty (60) days or no more than thirty (30) days after administration of a competitive examination and the adoption of an eligibility list.

For non-competitive classifications, the temporary acting appointment cannot continue for more than one hundred and eighty (180) days or more than thirty (30) days after the adoption of an eligibility list.

Section 4. Appointment of Unskilled Labor

Unskilled laborers will be appointed in the order of priority of application, and successful completion of tests of physical fitness as the Civil Service Commission may prescribe.

Section 5.Reinstatement

Any permanent employee who has resigned in good standing may, within one (1) year and with the approval of the Director and the Appointing Authority, be reinstated. A request to this effect shall be made in writing by the former employee involved.

Section 6. Temporary Employment

Temporary employment without test for transitory or seasonal work shall require the consent of the Civil Service Commission in each case, and shall not continue for more than one thousand forty (1,040) work hours in any twelve (12) consecutive month period unless renewed by the Civil Service Commission.

Section 7. Probationary Period

All original and promotional appointments of a permanent nature will have a probationary period set by the Director of not less than ninety (90) days nor more than one (1) year starting from the first day of employment. No appointment or promotion is final until the appointee has satisfactorily served his or her probationary period.

The length of the probationary period is noted in the description for each class.

At or before the expiration of the period of probation, the Appointing Authority shall report any reasons for which they desire to remove the employee, and if the reasons appear valid in the judgment of the Director, the dismissal shall be final.

Rule 7 - Promotions

Section 1.Promotional Process

Classified positions above the entry level may be filled by competitive examination, non-competitive examination, or without examination. Promotional opportunities are open only to permanent full-time employees who have successfully completed their designated probationary period for their current position (unless approved by the Director) and who meet the additional requirements specified in this Rule and by the Director.

Section 2.Competitive and Non- Competitive Examination Promotional Eligibility

Other than Public Safety employees, no person shall be eligible for promotion if he or she:

- Has received an overall rating of “below expectations” or “critical” in his or her last two (2) performance evaluations. (Exception: Where the person has not been in the service for a sufficient length of time to have received two (2) evaluations, he or she must have received an overall rating of at least “meets expectations” in one (1) evaluation).
- Is not currently in a class eligible for promotion to the promoted position, as determined by the Director.
- Has been demoted as a result of disciplinary action during the one (1) year preceding the promotional examination.

Section 3.Promotion without Exam

The Director may authorize a promotion without examination if a vacancy exists and the Appointing Authority establishes in writing to the satisfaction of the Director that the duties performed by the employee nominated are a natural preparation for the higher position.

Section 4. Promotions – City Manager Requested

Appointments to higher positions shall, in such cases as the City Manager shall request, be made after open competitive tests in which persons not in the service of the City may compete as well as applicants for such positions from the lower grades of the service or from other branches thereof. In such cases, appointments shall be made from the three (3) highest eligibles.

Section 5. Public Safety Seniority Credits

Police and Fire Seniority Credits shall follow Ohio Civil Service Law (ORC 124.45) unless the applicable collective bargaining agreement dictates otherwise.

Rule 8 - Transfers

Transfers will be handled according to Section 10.08 of the Charter of the City of Hamilton. Any person seeking a transfer must complete a transfer request form.

Rule 9 – Reduction in Force

Section 1. Reduction in Force

The Appointing Authority shall determine when and for what reasons it is necessary to reduce the number of employees, which classifications will be affected, and the actual number of employees to be reduced in each classification. Although not limited to the following, a reduction in force or layoff is generally due to a “lack of funds”, a “lack of work”, or “abolishment”.

Section 2. Notification of Reduction in Force

Each employee to be reduced shall be given advance written notice by the Appointing Authority. Such written notice shall be hand-delivered to the employee or mailed by certified mail to the employee's last known address on file. If hand-delivered, such notice shall be given at least fourteen (14) calendar days before the effective date of the layoff or displacement. If mailed, such notice shall be mailed at least seventeen (17) calendar days before the effective date of the layoff or displacement.

Each notice shall have at a minimum the following information:

- A. The reason for layoff or displacement;
- B. The effective date of the layoff or displacement;
- C. The employee's accumulated retention points;
- D. The ability for the employee to appeal the layoff or displacement decision to the Civil Service Commission;
- E. A statement notifying the employee that he or she may fill an available vacancy within the employee's classification (if applicable);
- F. A statement advising the employee of the right to displace another employee and that the employee must exercise those rights within five (5) calendar days of the date of notification;
- G. A statement advising the employee of the right to reinstatement;
- H. A statement that the employee is responsible for maintaining a current address with the Civil Service Department while he or she is displaced.

Section 3. Retention Points

Employees shall be assigned a base of one hundred (100) retention points. Retention points shall be based upon combined seniority and performance credit; however, where special certifications are needed, the certification will prevail. The combined credit is a result of adding service credits with performance credits.

- A. Service Credit: Service credits shall only be given for service in the classification that is being considered for the reduction in force. Only full-time permanent status will be considered for credit. Ten (10) seniority credits shall be awarded for each month (partial or full) of service in the classification that is being considered for the reduction in force. For the purposes of this section, service is defined as days in active service (paid or unpaid). No partial credits are awarded. For the purposes of this section, service shall be broken in the following cases: dismissal, resignation, retirement, failure to return to work upon recall within the period provided within this Rule, expiration of any authorized leave, and absence due to layoff for a period of two (2) years. If an employee is terminated and later reappointed or reinstated, only service from the date of reappointment or reinstatement shall be used.
- B. Performance Credit: All performance evaluations within the last two (2) years preceding the date of the reduction in force shall be counted as follows below. If there has been no performance evaluation within the last two (2) years, the employee will receive credit for "meeting expectations". The overall evaluation scores will be counted as follows below.
 - Critical – 0
 - Below Expectations – 10
 - Meets Expectations – 20
 - Exceeds Expectations – 30

Section 4. Layoff Order

For purposes of this Rule, appointment categories are: Temporary/Seasonal, Permanent Part-Time, Permanent Full-Time.

- A. Layoffs shall be based upon retention point order beginning with the employee having the fewest retention points and continuing to the employee with the most retention points. Retention point lists shall be compiled in descending retention point order.
- B. In the classification(s) selected for layoff the Appointing Authority shall layoff employees and employees shall displace (bump) employees using the following "layoff order":
 - i. Temporary/Seasonal employees in the same classification;
 - ii. Permanent Part-Time employees in the same classification who have not completed their probationary period;
 - iii. Permanent Part-Time employees in the same classification who have completed their probationary period;
 - iv. Permanent Full-Time employees in the same classification who have not completed their probationary period;
 - v. Permanent Full-Time employees in the same classification who have completed their probationary period.

Section 5. Transfer

The employee who will be displaced may fill an available vacancy within the employee's current classification.

Section 6. Employee Displacement

- A. An employee who is to be laid off, or displaced as a result of a layoff, may exercise displacement rights under the provisions of this chapter or be laid off. Employees shall notify their Appointing Authority, in writing, of their intention to exercise displacement rights within five (5) calendar days after receipt of notice of layoff or displacement.
- B. Displacement occurs on the date an employee is notified that another employee has exercised his or her right of displacement and that the employee with the fewer retention points is to be displaced. A displaced employee may exercise the right to displace another employee if such right to displace exists. If there is no ability to displace, the employee shall be laid off.
- C. Displacement rights of an employee may only be exercised within the employee's current Department.
- D. Employees who exercise their displacement rights shall exercise their displacement rights in the following order within the Department:
 - i. Displacement within the classification – An employee who is to be laid off or displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in his or her classification.
 - ii. Displacement within the classification series – An employee who is to be laid off or displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in the next lower and then successively lower classifications in the classification series. This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series has been reached and, if necessary, laid off.
 - iii. Displacement to a classification previously held – An employee who is to be laid off or who is displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in the classification the laid-off or displaced employee held immediately prior to his or her current classification, provided the classification is lower or equivalent classification to the employee's current classification. A laid off or displaced employee may displace into a classification previously held if:
 - The laid off or displaced employee held a position in the previous classification within the three (3) years preceding date an employee was laid off or displaced; and
 - The laid off or displaced employee still meets the minimum qualifications of the previous classification; and
 - The laid-off or displaced employee shall have successfully completed his or her original probationary period.

Section 7. Recall List

This section is being adopted to satisfy Section 10.03(L) of the Charter of the City of Hamilton. Employees who are laid off shall be placed on a recall list for the classification from which he or she has been laid off and lower classifications in the classification series. If there is no active recall list at the time, the name of the person(s) shall constitute one. When two (2) or more persons have been laid off for the same classification, they will be placed on the recall list based upon their retention points, highest retention points first on the list. The employees on the recall list shall have recall rights for one (1) year from the date of placement on the list.

Section 8. Recall

Employees will be recalled from layoff using the recall list.

- A. An employee must return to work within the time provided by the Appointing Authority as defined in the notice of recall to the last address provided to the City. If the employee fails to return to work within the provided period, the employee will be removed from the recall list.
- B. Notice of recall shall be sent by mail to the last address on file with the Civil Service and Personnel Department.
- C. The City shall not hire new employees into bargaining unit positions as long as there are employees on recall lists who are eligible under this section 8 to be reinstated to the position, they are qualified for the position and will accept the position.

Section 9. Temporary Furloughs

With the approval of the Director, an Appointing Authority may institute a temporary furlough for economy, efficiency, lack of work, or lack of funds.

Temporary furloughs shall be managed in accordance with and for the reasons set forth in this rule as a means of providing an employee with the opportunity to be in a no pay status for a period of time without reducing certain benefits provided the Appointing Authority retains the discretion to approve or deny an employee's request based upon the needs of the municipality.

The defined period shall be set forth by the Appointing Authority in its temporary furlough plan; however, in a staggered furlough, the maximum period to stagger one (1) day off shall not exceed forty-five (45) days.

- A. A temporary furlough pursuant to this section 9 of Rule 9 may, with the approval of the Director, be subject to limited exceptions when necessary (1) to ensure continued essential public services or (2) due to uncommon extenuating circumstances which warrant granting an exemption for the employee.
- B. In a temporary furlough, no employee in the furlough unit shall be paid for any work day that is designated as a temporary furlough day. Any employee who is designated as exempt from a temporary furlough day pursuant to subsection (a) of this section shall be paid his or her regular wages for working on that day.
- C. A temporary furlough plan shall be submitted to the Director at least seven (7) calendar days prior to the issuance of temporary furlough notices. The temporary furlough plans shall be subject to the approval of the Director. The temporary furlough plan shall describe the implementation of the temporary furlough, including the specific day(s) on which the furlough unit will be closed, any exceptions pursuant to subsection (a) of this section, and, if staggered, the reasons for not closing the entire furlough unit on a specific day, and the staffing plan for implementing a staggered temporary furlough. Part-time employees shall be designated for a proportional amount of temporary furlough time, consistent with the ratio of hours worked to full-time employment. In a staggered temporary furlough, the Appointing Authority shall be permitted, in its sole discretion, to designate as an unpaid temporary furlough time any planned or unplanned leave time taken by an employee during the defined layoff period, up to the maximum temporary furlough time for that defined furlough period.
- D. No benefits, except wages and wage-related benefits (i.e., employer pension contributions), shall be lost during the furlough period.

- E. An Appointing Authority may, in its sole discretion, designate as an essential employee, for purposes of this rule, any employee who is required to work on any work day that is designated as a temporary furlough day.
- F. An employee, including a probationary employee, shall return to work on the employee's next regularly scheduled work day following the end of the temporary furlough. The employee returns to work in the same position from which the employee was temporarily furloughed.

Employees shall not be permitted to substitute any paid leave for an unpaid temporary furlough day.

Section 10. Appeal of Layoff or Temporary Furlough

If an employee wishes to appeal a layoff or temporary furlough, he or she must follow the timelines stated in Rule 13, Section 7.

Section 11. Collective Bargaining Agreements

Layoff and recall procedures contained in collective bargaining agreements shall supersede the procedures set forth in this Rule 9 for employees specifically covered by the agreement, to the extent the agreement has language contrary to these procedures.

Rule 10 – Employment Actions

Section 1. Written Notice Required

The suspension, demotion, or dismissal of an employee is not effective until the Appointing Authority has served the employee with a written notice of such disciplinary action which shall contain one or more reasons for the action.

Section 2. Merit and Fitness

Once an employee has successfully completed the probationary period, the employee shall obtain classified status. Employment in the classified service shall be contingent upon continuous demonstration of merit and fitness. That is, the employee must demonstrate appropriate behavior and satisfactory performance of working responsibilities and duties as required for the position held. An employee who fails to perform satisfactorily, or who exhibits inappropriate, undesirable, or illegal behavior is subject to disciplinary action.

Section 3. Reasons for Demotion, Dismissal, Fine or Suspension

The Appointing Authority may suspend with or without pay, demote, fine, or dismiss an employee for disciplinary reasons, or for other just cause, based on standards of merit and fitness. An employee may be dismissed as a result of an accumulation of disciplinary infractions. An Appointing Authority may suspend a classified employee without pay for a reasonable period not to exceed ninety (90) days for purposes of discipline.

Section 4. Absence from Duty

Absence from duty without leave for any time or failure to report if leave has expired or been revoked shall be cause for dismissal.

Section 5. Leave of Absence

The Appointing Authority may authorize leave of absences from active employment, either with or without pay.

Section 6. Appeal to Commission

An employee in the classified service may appeal to the Commission for reconsideration of the Appointing Authority's disciplinary decision (SEE RULE 13 – APPEALS TO THE COMMISSION).

Rule 11 – Performance Reviews

Section 1. Performance Evaluation Process

This section is being adopted to satisfy Section 10.03(O) of the Charter of the City of Hamilton. Performance reviews shall be made by supervisors and approved by the Appointing Authority.

Section 2. Dismissal for Unsatisfactory Rating

Failure to maintain a “meets expectations” rating (i.e., Below Expectations or Critical) may be grounds for dismissal.

Rule 12 – Administration of Other Governmental Units

The Civil Service Commission shall apply the General Civil Service law of the state or that entity's specific rules and regulations to officers and employees of any other applicable governmental units.

Rule 13 – Appeals to the Commission

Section 1. Employment actions subject to appeal

An employee who is in the classified service, and who has completed the probationary period (designated or extended), may appeal the following actions to the Commission for reconsideration:

- A. Demotions;
- B. Layoffs;
- C. Suspensions;
- D. Fines;
- E. Dismissals.

Section 2. Filing of employment action appeals

When a classified employee wishes to file an appeal with the Commission, such appeal must be presented in writing, and submitted to the Director within ten (10) days of receipt of notice of the contested employment action. The Commission shall hear said appeal within thirty (30) days after receipt of the request for hearing.

Section 3. Conduct of employment action appeal hearings

The Commission is under no obligation to follow legal rules of evidence or procedure, and has the discretion to determine the manner and conduct of each hearing.

After hearing and consideration of the evidence, the Commission shall render a decision affirming, disaffirming, or modifying the judgment and action taken by the Appointing Authority. The Commission may further order backpay when restoring the employee to their position if deemed appropriate. Any backpay award shall be offset by interim earnings. The Commission may take any alternative action that may be appropriate to the specific circumstances of the case before its' consideration, but in no case may it recommend or authorize the payment of monetary damages or award beyond the real amount of compensation involved in the particular case.

The Secretary to the Commission shall provide in writing the decision of the appeal to the Appointing Authority and appellant.

Section 4. Dismissal of employment action appeal hearings

The following reasons are grounds for dismissal of the appeal with no further action by the Commission:

- A. Appellant or appellant's representative fails to appear before the Commission at the scheduled hearing time.
- B. The acceptance by the Appointing Authority of the resignation of the appellant before the appeal hearing has been held will result in a dismissal of the appeal.

Section 5. Pre-employment actions subject to Appeal

Applicants who fail to meet the passing standard of any additional qualifying tests in addition to the written exam, such as a physical fitness test, prior to being placed on the eligibility list may appeal the failure to the Commission. The applicant must apply in writing for appeal before the Commission within ten (10) days following the date of notice of rejection, and the Commission shall hear said appeal within thirty (30) days after receipt of the request for the hearing.

Section 6. Eligibility List Removal Appeal

If the eligible removed from the list in accordance with Rule 5, Section 4, Paragraph D chooses to appeal, he or she shall apply in writing for appeal before the Commission within ten (10) days following the date of notice of removal action and the Commission shall hear said appeal within thirty (30) days after receipt of the request for hearing.

Section 7. Layoff or Temporary Furlough Appeal

If the employee chooses to appeal the layoff or temporary furlough, he or she shall apply in writing for appeal before the Commission within ten (10) days following the date of notice of layoff or temporary furlough, and the Commission shall hear said appeal within thirty (30) days after receipt of the request for hearing.

Rule 14 – Charter Provided Rules

Section 1. Amending, Revising, Revoking Rules

No civil service rule, nor any amendment, revision or revocation thereof shall be adopted:

- A. Unless the proposed text thereof shall have been printed in full and made available for public examination at least ten days prior to the public hearings provided for by this section;
- B. Unless such text shall have been reported to the City Council at a regular meeting thereof at least ten days prior to such hearing;

- C. Until after a public hearing thereon has been held by the Civil Service Commission, of which hearing ten days public notice shall have been given, and at which the City Manager, any director of a department, or any citizen shall be heard upon request;
- D. Until the written recommendation of the Director of Civil Service thereon shall have been received; and such recommendation shall be publicly read in the hearing herein provided for.

Section 2. Publication of Rules

The civil service rules of the City of Hamilton at the time of the adoption of this section shall continue in effect, but shall be subject to amendment, revision, and revocation as provided for in paragraphs A and B of Section 1. Not later than fourteen months after the adoption of this section, the Civil Service Commission shall cause the civil service rules of the City to be published in book or pamphlet form, and shall cause corrected copies thereof to be kept available for public inspection.

Section 3. Civil Service Rules, Fire Division Applicability

Neither the City Council nor the Civil Service Commission or any person in the administrative service shall have the power to modify or change in any manner the provisions of the laws of the State of Ohio now or hereafter in effect relating to the civil service and the Civil Service Commission insofar as such laws of the State of Ohio are applicable to members of the fire service. No fee or other assessment, however, shall be charged to applicants for examinations other than medical examinations for positions in the fire service.

Section 4. Civil Service Rules, Police Division Applicability

Neither the City Council nor the Civil Service Commission or any person in the administrative service shall have the power to modify or change in any manner the provisions of the laws of the State of Ohio now or hereafter in effect relating to the civil service and the Civil Service Commission insofar as such laws of the State of Ohio are applicable to members of the Division of Police. No fee or other assessment, however, shall be charged to applicants for examinations other than medical examinations for positions in the Division of Police.

Section 5. Civil Service Rules, Federal and State

The rules of the Commission shall not be construed as prohibiting City participation in Federal or State programs the purpose and funding of which is intended to provide temporary and gainful occupation designed specifically for beneficiaries who are unemployed, underemployed or otherwise considered to be eligible. Participants in Federal or State programs referred to herein who are assigned to City work sites to qualify for benefits shall not be considered as being in the service of the City. The provisions of the rules of the Commission shall not apply to such participants, except as otherwise required by controlling Federal and State laws or guidelines.